

PLM-1



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-191588 (MRV)

April 24, 1979

9970

The Honorable (John C. Danforth)
United States Senator
Railway Exchange Building, 1867
611 Olive Street
St. Louis, Missouri 63101

Dear Senator Danforth:

Further reference is made to your letter of March 26, 1979, addressed to Mr. Daniel P. Leary, Director, Claims Division, concerning the claim of Mr. Delbert C. Nahm for reimbursement of certain travel expenses. In light of the additional information provided by your constituent, you request that we review our prior decision B-191588, January 2, 1979, which allowed in part and denied in part Mr. Nahm's claim for reimbursement of travel expenses and restoration of annual leave.

In response to a request for an advance decision from a certifying officer of the Internal Revenue Service, our Office held in decision B-191588 that Mr. Nahm was entitled to reimbursement of certain travel expenses and recredit of annual leave where he was ordered by his agency to return from a vacation point to appear as a witness in a criminal trial. However, we also held that there was no authority to reimburse Mr. Nahm for his wife's travel expenses or for the "value" of his lost vacation, and we found no basis upon which to allow recredit for any additional hours of annual leave.

The additional information provided by Mr. Nahm consists of three documents, two memoranda written by Mr. Orlin M. Kompelien and an affidavit signed by Mr. Nahm. With regard to the memoranda written by Mr. Kompelien, we must point out that these documents were forwarded to our Office by the certifying officer and were a part of the record before us in the preparation of our decision.

The remaining document provided by Mr. Nahm is his affidavit stating that he was first notified on May 12, 1977, that a trial had been scheduled. In our decision B-191588 we did question whether it was unforeseen that Mr. Nahm would be called to testify in court and whether Mr. Nahm was actually notified of the trial date prior to May 12, 1977. However, we resolved these doubts in favor of the employee by permitting reimbursement of his return travel expenses. We do not believe that Mr. Nahm's affidavit provides a basis to

005104
Letter

B-191588

allow the remainder of his claim, that is, his wife's travel expenses, the "value" of his lost vacation, and the recredit of additional hours of annual leave. Therefore, we must sustain our prior decision.

We regret that our determination is not more favorable to your constituent.

Sincerely yours,


Deputy Comptroller General
of the United States